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Prepared By _____

Approved By _____

An act to amend Section 42474 of the Public Resources Code, relating to recycling, and making an appropriation therefor, to take effect immediately, bill related to the budget.

DRAFT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 42474 of the Public Resources Code is amended to read:

42474. (a) Civil liability in an amount of up to two thousand five hundred dollars (\$2,500) per offense may be administratively imposed by the ~~board~~ Department of Resources Recycling and Recovery for each sale of a covered electronic device for which a covered electronic waste recycling fee has not been paid pursuant to Section 42464.

(b) A civil penalty in an amount of up to five thousand dollars (\$5,000) per offense may be imposed by a superior court for each sale of a covered electronic device for which a covered electronic waste recycling fee has not been paid pursuant to Section 42464.

(c) Civil liability in an amount of up to twenty-five thousand dollars (\$25,000) may be administratively imposed by the board against manufacturers for failure to comply with this chapter, except as otherwise provided in subdivision (a).

(d) Civil liability in an amount of up to twenty-five thousand dollars (\$25,000) per violation may be administratively imposed by the Department of Resources Recycling and Recovery against a person, including an authorized collector or covered electronic waste recycler, that makes a false statement or representation in any document filed, submitted, maintained, or used for purposes of compliance with this chapter and associated regulations.

(e) (1) The Department of Resources Recycling and Recovery may revoke the approval or deny the renewal application of an authorized collector or covered electronic waste recycler that makes a false statement or representation in a document filed,

submitted, maintained, or used for purposes of compliance with this chapter and the regulations adopted pursuant to this chapter.

(2) In addition to the authority specified in paragraph (1), the Department of Resources Recycling and Recovery may deny an application for approval or renewal from an authorized collector or covered electronic waste recycler that, or an individual identified in the application who has a history demonstrating a pattern of operation in conflict with the requirements of this chapter and the regulations adopted pursuant to this chapter.

(3) A person challenging a revocation, denial of application renewal, or application denial under this chapter, or an approved covered electronic waste recycler challenging the denial or adjustment of an electronic waste recovery payment or electronic waste recycling payment, shall first exhaust all administrative remedies by filing with the Department of Resources Recycling and Recovery a timely administrative appeal, in accordance with the regulations adopted to implement this chapter.

SEC. 2. The sum of one thousand dollars (\$1,000) is hereby appropriated from the Electronic Waste Electronic Waste Penalty Subaccount to the Department of Resources Recycling and Recovery to implement the changes made by this act to Section 42474 of the Public Resources Code.

SEC. 3. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.

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LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, _____.

General Subject: Recycling: electronic waste.

(1) The Electronic Waste Recycling Act of 2003 requires a retailer selling a covered electronic device in this state to collect an electronic waste recycling fee and to transmit the fee to the Department of Resources Recycling and Recovery (CalRecycle). Existing law provides for the administration of the act by both CalRecycle and the Department of Toxic Substances Control (DTSC) and authorizes CalRecycle to administratively impose civil liability for each sale of a covered electronic device for which a covered electronic waste recycling fee has not been paid and against manufacturers for failure to comply with the act. The fines and penalties collected under the act are required to be deposited in the Electronic Waste Penalty Subaccount, and CalRecycle and the DTSC are authorized to expend the fines and penalties deposited in the subaccount, upon appropriation by the Legislature. CalRecycle is required to

make electronic waste recovery payments directly to an authorized collector or to a covered electronic waste recycler that meets specified eligibility requirements for payment to an authorized collector and to make electronic waste recycling payments to a covered electronic waste recycler.

This bill would authorize CalRecycle to administratively impose civil liability against a person who makes a false statement or representation in a document filed, submitted, maintained, or used for purposes of compliance with the act. The bill would authorize CalRecycle to revoke the approval or deny the renewal application of an authorized collector or covered electronic waste recycler that makes a false statement or representation, and to deny an application for approval or renewal from an authorized collector or covered electronic waste recycler that, or an individual identified in the application who, has a history demonstrating a pattern of operation in conflict with the act. The bill would require a person challenging certain regulatory actions under the act, or an approved covered electronic waste recycler challenging the denial or adjustment of an electronic waste recovery payment or electronic waste recycling payment, to first exhaust all administrative remedies by filing with CalRecycle a timely administrative appeal, in accordance with the regulations adopted to implement the act.

(2) The bill would appropriate \$1,000 from the Electronic Waste Penalty Subaccount to the Department of Resources Recycling and Recovery to implement the changes made by the bill.

(3) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated
local program: no.

DRAFT